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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,777	02/16/2005	Toshifumi Yoshikawa	056205.55944US	8697
23911 7590 09/25/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER CAVALLARI, DANIEL J	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

EP

Office Action Summary	Application No. 10/524,777	Applicant(s) YOSHIKAWA ET AL.	
	Examiner Daniel J. Cavallari	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,8 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) 18-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,8,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/21/2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 6 & 8 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 6/21/2007 have been fully considered but they are not persuasive.

In regard to Claims 16 & 17, the applicant argues that Kern fails to teach the "first control unit adjust[ing] the load amounts of the loads based on [the] rated power consumption of each load and [the] present load amount of each load in accordance with the command signal". The Examiner agrees that the cited portion in the reference teaches load shedding and although this may be different than the applicants load adjusting means of their invention, the Examiner holds that it reads on the applicants claimed invention. The Examiner points out that Kern teaches:

If the electrical power from the utility fails, system controller 14 trips the circuit breaker and removes a corresponding portion of load 74 from the system. It is

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contemplated that multiple load shedding relays be provided and the system controller 14 only shed such portion of load 74 as necessary to allow the generator of power generation system 12 to provide adequate electrical power to the load (See Paragraph 66).

The applicant teaches adjusting the load amounts "based on" the rated power consumption of each load and the present load amount. The Examiner notes that the load shedding taught by Kern is based on the rated power consumption of each load (which is the read on by the power consumption of each individual load) and the present load amount of each load (read on by the collective power drawn by the entire load 74, See Paragraph 66).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6 & 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lathrop et al. (US 6,849,967).

In regard to Claim 6

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A power supply system comprising:

- A first switch (13, See Figure 1) for normally connecting a plurality of loads (11) [The Examiner notes that the load bus 11 is representative of a plurality of loads such as a Hospital (See Column 1, Lines 15-40)] with a power supply system at normal times and disconnecting them upon interruption of electrical service, the loads being normally supplied with power from the power system (5) at the normal times and supplied with power from a distributed power source (15) upon the interruption of the electrical service from the power system (The Examiner notes this is read on by the second mode, See column 3, Lines 40-67).
- A second switch (19) for connecting the loads with the distributed power source upon the interruption of the electrical service.
- A first control unit (read on by controller 21) for adjusting the power consumption of the plurality of loads [The Examiner notes that the power consumption of the load is adjusted via the switches (19, 13) which connects, disconnects, and transfers the load].
- A second control unit (read on by the microturbine internal contactor, See Column 6, Lines 18-34) for adjusting the power generation amount of the distributed power source (15, Figure 1).
- A command device (27, 29, See Figure 2 & Column 3, Lines 42-67) for issuing a command signal to at least one of said first control unit (22) for adjusting the power consumption and said second control unit (micro turbine internal contactor) for adjusting the power consumption, before the interruption of the

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electrical service begins (read on by the failure of the utility, See Column 6, Lines 42-63) in the case where service interruption information is provided in advance [This is read on by mode 3, paralleling the sources which then switches to mode 2, wherein the utility has failed and the microturbine is connected] and issuing a command signal for turning on said second switch (19) and then issuing a command signal for turning off said first switch (13) (read on by the operations of mode 2) and issuing a command signal to at least one of said first control unit and said second control unit for adjusting either the load or the distributed power source in order to get the amount power required by the load closer to the amount of power supplied by the distributed power source during the interruption of the electric service from the power system (read on by the switch from mode 3 to mode 2).

In regard to Claim 8

A method for supplying power upon interruption of electric service, the method comprising:

- A first step of adjusting at least one of a distributed power source and a plurality of loads in order to get an amount of power required by the plurality of loads closer to an amount of power supplied by the distributed power source [read on by starting the emergency source 15, See Figure], before the interruption of the electric service begins in the case where a time at which a service interruption is going to take place is provided in advance, the plurality of loads being normally supplied with power

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from a power system (5) and supplied with power from the distributed power source (15) upon interruption of electric service.

- A second step of connecting the plurality of loads with the distributed power source and starting to supply power from the distributed power source to the plurality of loads (read on by paralleling the emergency source and normal source in mode 3, See Column 3, Lines 40-67).
- A third step of disconnecting the plurality of loads from the power system (read on by the switch from mode 3 to mode 2, See Column 6, Lines 35-63)
- A fourth step of adjusting at least one of the power consumption of the plurality of loads and the power generation amount of the distributed power source so that the power consumption and the amount of power required by the load is closer to the amount of power supplied by the distributed power source (read on by the voltage mode of the emergency source, See Column 3, Lines 1-20).

Claims 16 & 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kern et al. (US 2002/0190576 A1).

In regard to Claim 16

A power supply comprising:

- A first switch (61) (See Figure 3) for normally connecting a plurality of loads (74)
[The examiner notes that Kern teaches load shedding and disconnecting portions of the load via circuit breakers thereby teaching a plurality of loads (See

Paragraph 66)] with a power supply system at normal times and disconnecting them upon interruption of electrical service, the loads being normally supplied with power from the power system (Utility) at the normal times and supplied with power from a distributed power source (generator 20a) upon the interruption of the electrical service from the power system (See Figure 3 & Paragraphs 62-63).

- A second switch (44a) for connecting the loads with the distributed power source (20a) upon the interruption of the electrical service (See Figure 3 & Paragraphs 62-63).
- A first control unit (14) for adjusting the power consumption of the plurality of loads (See Paragraph 66).
- A second control unit (16) (See Paragraph 43) for adjusting the power generation amount of the distributed power source (20a).
- A command device (60) (See Paragraphs 49-50) for issuing a command signal to at least one of said first control unit for adjusting the power consumption and said second control unit for adjusting the power consumption for adjusting either the load or the distributed power source in order to get the amount power required by the load closer to the amount of power supplied by the distributed power source (See Paragraph 66).
- Wherein the first control unit adjusts the load amounts of loads the power consumption of a load and a present load amount of each load in accordance with the command signal [The examiner notes that Kern teaches "only shedding such a portion of load 74 as necessary to allow the generators of power

generation system 12 to provide adequate electrical power to the load.

Therefore, the control signal is adjusting the load based on the power drawn by a particular load and the present load amount of the load (See Paragraph 66)].

In regard to Claim 17

A method for supplying power upon interruption of electric service, the method comprising:

- A first step of connecting the plurality of loads with the distributed power source and starting to supply power from the distributed power source to the plurality of loads (See Paragraphs 62-63 & 66) [The examiner notes that power supply to the plurality of loads is started when the switch (63) is closed)]. The plurality of loads being normally supplied with power from a power system (utility) and supplied with power from the distributed power source (generator) upon interruption of electric service.
- A second step of adjusting at least one of the power consumption of the plurality of loads and the power generation amount of the distributed power source so that the power consumption and the amount power required by the load is closer to the amount of power supplied by the distributed power source [The examiner notes this is taught by Kern and read on by load shedding] (See Paragraph 66).
- Wherein the adjusting of power consumption consists of adjusting the amounts of power consumption of a load and a present load amount of each load [The examiner notes that Kern teaches "only shedding such a portion of load 74 as necessary to allow the generators of power generation system 12 to provide adequate electrical

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power to the load. Kern teaches load shedding which is the adjustment of power consumption is based on the power drawn by a particular load and the present load amount of the load (See Paragraph 66)].

Conclusion

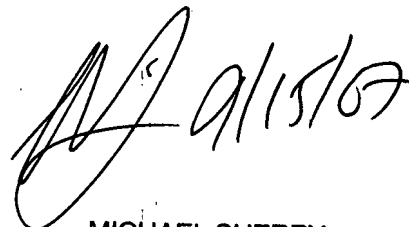
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Cavallari whose telephone number is (571)272-8541. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Cavallari

September 11, 2007

A handwritten signature in black ink, appearing to read 'M Sherry' with a stylized flourish at the end.

**MICHAEL SHERRY
SUPERVISORY PATENT EXAMINER**